

REMARKS

Reconsideration of this application, in view of the foregoing amendments and the following remarks, is respectfully requested.

Double Patenting

Claims 1 and 11 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 17 of U.S. Patent No. 6,480,068 B1. Applicants respectfully traverse this rejection.

Applicants respectfully point to the Examiner that claim 17 of the cited patent depends from claim 14 and recites a method of determining non-saturation incremental gain setting programmable gain amplifiers. In the cited method, each one of the gain stage will end-up having a maximum gain, which is one setting below the saturation point of each of the gain amplifier. Further, the gain of each of the gain stage is compared against the saturation point of the gain stage by reading a saturation detection device associated with each of the gain stages. In a complete contrast, claim 1 recites a method including determining present peak average of a plurality of data frames received and adjusting the gain of the amplifier based on the comparison of the peak average and a peak target. This limitation is patentably distinct from claim 17 of the cited patent. In fact, the Examiner has indicated that claim 12 is allowable, which recites that very same limitation. Accordingly, claim 1 is patentably distinct from claim 17 of the cited reference and Applicant respectfully requests the withdrawal of the double patenting rejection of claim 1.

Claim 11 has been amended to include the limitation of claim 12 which has been indicated to be allowable. Accordingly, claim 11 and those depend therefrom are patentably distinguishable from the cited reference.

Claim Rejections - 35 USC § 102

Claim 18 is rejected under 35 U.S.C. 102(b) as being anticipated by Giebel (US Patent 6,073,848). Applicant respectfully traverses the rejection.

Claim 18 has been amended to include limitation similar to claim 12, which has been indicated to be allowable. Accordingly, claim 18 and those depend therefrom are believed to be allowable for at least the same reasons as claim 12.

Applicant believes this application and the claims herein to be in a condition for allowance. Should the Examiner have further inquiry concerning these matters, please contact the below named attorney for Applicant.

Respectfully submitted,



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